IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4880 of 2007(E)

PETITIONER:

M.K. RAGHAVAN KUTTY,
AGED 45, S/O. P. KRISHNAN NAIR,
MADATHIMKUTTIYIL HOUSE,
CHERUVANNUR P.O.,
KOLATHARA, CALICUT.

BY ADV. SRI.NIRMAL. S

RESPONDENTS:

SECRETARY (SPECIAL GRADE),
CHERUVANNUR,
NALLALAM GRAMA PANCHAYAT,
KOZHIKODE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4880 OF 2007

Dated this the 13th day of February, 2007

JUDGMENT

Even though the impugned order Ext.P5 is appealable, I am of the view that on the facts of this case, it is necessary that the Secretary of the Panchayat is directed to take a decision on Ext.P4 even before Ext.P5 is implemented. Accordingly, the Writ Petition will stand disposed of at this stage itself with the following directions:

The respondent will issue notice to Sri.Sekharan Nair, S/o. Kunjumalu Amma, residing at Vellakkattu House, Feroke Amsom, Kozhikode Taluk and also to the petitioner, hear both of them on Ext.P4 and take a decision. Decision as directed above will be taken by the Secretary at his earliest and at any rate within six weeks of receiving copy of this judgment. Once decision is taken, the same will be communicated to the petitioner. Till such time as a decision is taken on Ext.P4 as directed above and communicated to the petitioner, Ext.P5 will be kept in abeyance.

PIUS C. KURIAKOSE, JUDGE

btt